

House Judiciary Members:

For the record, my name is Jon Salmonson. I would like to speak in favor of and offer the following testimony in support of SB 236, a bill abolishing the death penalty in Montana. I urge your support for this bill as a positive, constructive step in the process of building and maintaining a civil society. Capital punishment undermines civil society because it establishes as acceptable the same violent behavior which law is trying to punish and eliminate. Capital Punishment is self defeating.

My position, for the most part, is based on nearly seventeen years of experience working as a teacher in Montana State Prison. One of my duties was to take educational services and programs to those inmates who, because of physical or security limitation, were not able to come to the school. Maximum Security was one of the places I visited regularly and a number of my students were on Death Row.

Some of my experience led to the following conclusions:

- The death penalty is arbitrarily applied. Many killings and other violent, heinous crimes are not given the death penalty. It was impossible for me to distinguish the degree of sentence just on the basis of the crime.
- Fear of the death penalty is not a deterrent. Several inmates "in the yard" murdered other inmates while I was there. Fear of the death penalty in immediate proximity did not stop the crime.
- Security of individuals, whether staff or other inmates, cannot be gained by killing the suspected threat. For those who always feel threatened, this is an impossible criterion to meet. Although absolute security is probably not possible, good security is possible and exists through physical and behavioral protocols. Avoiding the loss of life in the Maximum Security riot in 1991 could have been done with good management, not pre-emptive executions.
- A sentence of life without possibility of parole is the hardest sentence. In terms of 'cruel and inhuman', the death penalty may be argued to be the more humane. Two inmates I worked with have since died, one through his request to have the death penalty carried out and the other by his own hand. Life in a cell forever is a most severe, if not the most severe punishment.

However, my opposition to the death penalty is strongest for the following reason:

- The death penalty as part of law is the encoding into law and language the permissible use of an emotional power we try through all of our civil experience to control. The death penalty as part of our legal code is an expression of defeat for civil society by our feral, primitive, emotional nature.

Thank you for your consideration,

Jon Salmonson Retired Teacher 2004, Montana State Prison
Missoula, Montana

To the House Judiciary Committee,

My name is Bob Wallace. I am a former Dillon police officer and I spent 32 years working in Montana State prisons as a teacher and creator of pre-release centers. I have seen and experienced a lot with our most violent inmates. At one time in the prison an inmate tried to kill me with a shard of glass.

I have come to the conclusion that the death penalty does not serve a purpose anymore and it should be repealed. I can tell you the violent men I observed never thought about the consequences of their actions. Many were mentally ill and did not have that capacity.

I do believe that a maximum-security prison is the right home for some. I do not believe the death penalty makes the prison any safer at all.

There is absolutely no room for violence to take place in our maximum-security prison. If we classify prisoners according to protocol and follow all the procedures, the chances of violence really are quite minimal. It is our fault if something goes wrong. Violence only occurs when we fail to adhere to a policy or procedure. We have gotten so much better over the years as best practices were put into place and now prison killings are not occurring in our state prisons.

We need continued resources to train our hard working corrections officers. We need to staff prisons well and have up to date facilities.

I don't think I could ever participate in an execution and feel so much for my fellow staff who have done so. We don't know what the lasting ramifications of this are.

I think it's interesting to note that the majority of executions that have taken place in our state were performed on people who gave up their appeals. They preferred being put to death rather than spend more time in prison.

This is a policy that has no clear benefits. It does not make our prisons or us safer. We can do that much better by putting resources into policies that directly affect our safety.

I would be happy to talk with you further about any questions you might have.

Sincerely,

Bob Wallace
846-3804

March 25, 2009

Dear Members of the House Judiciary Committee,

My name is Dan Oberweiser, and I am a Licensed Addictions Counselor for the State of Montana. I have been a counselor since 1990, and my first 12 years were spent in service at Montana State Prison. It is my experience at MSP that compels me to write to you about your very tough position in determining to keep or abolish the Death Penalty in our state.

In my years at MSP, I experienced a horrible riot, assaults against staff and inmates, murders of inmates by inmates, and 2 executions. I was present at work the day of the execution of Duncan McKenzie. I was part of the crew that escorted the media personnel on a tour of the prison, including the execution trailer, and I was the person who responded to their questions.

When I left at 10:00 pm that evening, I stayed in Deer Lodge at a local restaurant/tavern to watch the news with around 40 others. As I sat quietly in my corner, the crowd was having a good time "partying". When the newscaster finally informed us that McKenzie was dead, the crowd cheered and drank their shots, compliments of the bartender. After a few minutes, they began to look at the TV again, but this time, there was no cheering. They looked around, and it seemed to me that the reality of what happened finally hit them. A man was dead. I remember even as I write this the sick feeling I had at that time.

This horrible feeling was shared by many of my co-workers the next day. Some of us have never forgotten this, especially those who were witnesses to the execution. This is something that people who support the death penalty never think about—what is it like for the people who perform or work in the prison where the execution takes place. I just want you to know that there is more suffering than you realize.

In my profession as an addictions counselor, I know that under the influence of alcohol and or drugs, a person is capable of doing anything to anyone at any time given the right circumstances. This, to me, is where we need to focus our attention if we are to ever cut down on these serious crimes.

As an added note, I met the family of McKenzie's crime. Some of them were angry and wanted "satisfaction" for what he took from them. I saw them again after the execution. Some of them seemed angrier then before because McKenzie made no confession or apology to the family. There was no resolve of their anger, and there was no closure.

I ask you to seriously consider my request to abolish the Death Penalty and help Montana to become a leader in the fight to rid our country of the label so many countries have that we are a culture of death.

Thank you for your time and consideration given me in this very difficult decision.

Sincerely,

Dan Oberweiser, LAC